THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NOs.24851, 24852 and 24853 of 2005

Dt.22.11.2005

Between:

Neduri Syama Rao and others … Petitioners

And

The Sub Registrar, Madhuravada,

Visakhapatnam District. … Respondent

COMMON ORDER:

The point involved in these writ petitions is one and the same and hence they are being disposed of by a common order.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue.

It is the case of the petitioners that one Puppala Appala Swamy was allotted an extent of Ac.4.43 Cents of land in Sy.No.56/2 and an extent of Ac.0.57 Cents of land in Sy.No.57/2 situated in Pothina Mallayyapalem Village, Chinagadili Mandal, Visakhapatnam District, as per eligibility as Ex-serviceman vide proceedings No.Spl.8-A/2/1374 in the year 1965. After the death of the said Appala Swamy, the legal heirs filed O.S.No.81 of 1996 on the file of the Additional District Judge, Visakhapatnam for partition, which was decreed among his legal heirs. It appears that later on certain claim has been

made by the Gram Panchayat claiming that the said belongs to the Gram Panchayat interfering with their peaceful possession. Therefore, one of the legal heirs filed W.P.No.14445 of 2004 before this Court which was disposed of by order dated 16.8.2004 directing the revenue officials as well as panchayat officials not to take any action against the petitioner without following due process of law. The petitioners herein are purchasers of certain extents of land from out of the said Survey Numbers from the legal heirs of Appala Swamy. When they wanted to sell part of the said lands, the respondent refused to register the same. It is further stated that legal notice dated 26.8.2005 was also got issued against the action of the respondent in not entertaining any transaction. But still the respondent is not accepting the documents for registration. It is stated that under Section 22-A of the Registration Act, 1908 the Government by notification in the official gazette declare that the registration of any document or class of document in respect of the lands in question is opposed to public policy. In the absence of any such notification, the respondent cannot refuse to receive any document for registration.

Having regard to the facts and circumstances of the case, the writ petitions are disposed of with a direction to the respondent to receive the documents of any alienation submitted by the petitioners and register same subject to compliance of all other conditions by paying the necessary stamp duty and other charges. But, however, if there is any notification issued under Section 22-A of the said Act, the respondent may refuse to register the same and intimate the same to the petitioners.

The writ petitions are accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

22.11.2005

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